



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

BY HAND

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Henry A. Garcia
07 Cr. 851 (RMB)

SO ORDERED:

Date: 9/12/07

Richard M. Berman
Richard M. Berman, U.S.D.J.

September 11, 2007
Time Excluded under
Speedy Trial Act (for
the reason stated in the
6th) to 9/27/07

Dear Judge Berman:

The Court recently adjourned the arraignment and initial pre-trial conference for Henry Garcia, the defendant, until September 24, 2007 at 2 p.m.

The Government writes to request that the Court exclude time until September 24, 2007. The Government submits that such exclusion is warranted pursuant to 18 U.S.C. § 8161(h)(8)(A). Specifically, the ends of justice outweigh the best interest of the public and the defendant in a speedy trial because it affords the defendant and the Government time to consider the evidence that the Government expects to begin producing in the next 10 days and to consider a potential disposition in the case. By doing these two things, the exclusion ensures the effective assistance of defendant's counsel. Steven J. Questori, counsel for the defendant, told me that he consents to the exclusion of time.

USDC SDNY
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Very truly yours,

MICHAEL J. GARCIA
United States Attorney

By:

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William J. Harrington
Assistant United States Attorney
212-637-2331

cc: Steven J. Questori
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